

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JHEN SCUTELLA,)	
Plaintiff,)	
)	C.A. No. 23-92 Erie
)	
v.)	
)	District Judge Susan Paradise Baxter
ERIE COUNTY PRISON, et al,)	Magistrate Judge Richard A. Lanzillo
Defendants.)	

MEMORANDUM ORDER

This action was commenced by Plaintiff's filing of a *pro se* civil rights complaint accompanied by a motion for leave to proceed *in forma pauperis*, on March 27, 2023. The matter was referred to Chief United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On June 20, 2023, Plaintiff filed a motion for injunctive relief/temporary restraining order [ECF No. 5] seeking an Order directing Defendants to enjoin the Erie County Prison ("ECP") from violating inmates' constitutional and state rights. On August 4, 2023, Chief Magistrate Judge Lanzillo issued a Report and Recommendation [ECF No. 9] recommending that Plaintiff's motion for temporary restraining order ("TRO motion") be denied, but that Plaintiff's request for injunctive relief, which was construed as a motion for preliminary injunction, be deferred pending service of his complaint and motion upon Defendants. On October 19, 2023, this Court issued a Memorandum Order adopting Judge Lanzillo's Report and Recommendation, denying Plaintiff's TRO motion, and deferring ruling on Plaintiff's motion for preliminary injunction

[ECF No. 5], pending service of Plaintiff's complaint and motion upon Defendants. [ECF No. 14].


After Defendants were served and counsel entered an appearance on their behalf, Plaintiff's motion for preliminary injunction [ECF No. 5] was reactivated on February 22, 2024; however, prior to such time, Plaintiff filed three separate notices of change of address indicating that he is no longer incarcerated at ECP [ECF Nos. 25, 27, 32].

Since Plaintiff's reactivated motion for preliminary injunction [ECF No. 5] sought relief from certain conditions of his pre-trial detention at ECP, Chief Magistrate Judge Lanzillo has issued a Report and Recommendation ("R&R") recommending that Plaintiff's motion be denied as moot. [ECF No. 40]. Objections to the R&R were due to be filed by March 25, 2024; however, no timely objections have been filed.

After *de novo* review of Plaintiff's motion and relevant documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 15th day of April, 2024,

IT IS HEREBY ORDERED that Plaintiff's motion for preliminary injunction [ECF No. 5] is DENIED as moot. The report and recommendation of Chief Magistrate Judge Lanzillo, issued March 25, 2024 [ECF No. 40], is adopted as the opinion of the court.


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
Chief U.S. Magistrate Judge